

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERIC ZAHLER,

Plaintiff,

vs.

CITY OF UNION GAP; ROBERT ALMEIDA  
as Police Chief; ROBERT NORTHCOTT  
as Judge; MELONEE MOSER as Court  
Administrator; CHRISTINA CHAPMAN as  
Court Clerk; CITY OF YAKIMA;  
DOMINIC RIZZI as Police Chief;  
SUSAN J. WOODARD as Presiding  
Judge; KELLEY C. OLWELL as Judge;  
KEVIN G. EILMES as Court  
Commissioner; LINDA S. HAGERT as  
Court Services Manager; YAKIMA  
COUNTY; KEN IRWIN as Sheriff; SUSAN  
L. HAHN as Presiding Judge; MICHAEL  
G. MCCARTHY as Judge; F. JAMES  
GAVIN as Judge; BLAINE G. GIBSON as  
Judge; DAVID A. ELOFSON as Judge;  
ROBERT E. LAWRENCE-BERREY as Judge;  
RICHARD H. BARTHELD as Judge; RUTH  
E. REUKAUF as Judge; ROBERT W.  
INOUYE as Court Commissioner; LANI-  
KAI SWANHART as Court Commissioner;  
GAYLE M. HARTHCOCK as Court  
Commissioner; ROBYN BERNDT as Court  
Administrator; HAROLD DELIA as  
Court Consultant; STATE OF  
WASHINGTON; THE 50 CORPORATE  
STATES; THE CORPORATE UNITED  
STATES; UNITED STATES SUPREME  
COURT; NINTH CIRCUIT COURT OF  
APPEALS; and U.S. DISTRICT COURTS  
OF WASHINGTON,

Defendants.

NO. CV-12-3075-EFS

**ORDER DISMISSING FIRST  
AMENDED COMPLAINT AND  
CLOSING FILE**

1 By Order filed November 15, 2012, the Court advised Plaintiff Eric  
2 Zahler of the deficiencies of his Complaint and granted him leave to  
3 amend. ECF No. 11. He is proceeding *pro se* and *in forma pauperis*;  
4 Defendants have not been served.

5 In his original Complaint, Plaintiff sought class-action relief for  
6 alleged violations of the Racketeer Influenced and Corrupt Organizations  
7 Act (RICO), 18 U.S.C. § 1962(a)-(d), by a number of governmental  
8 entities. The Court concluded that the Complaint was legally deficient  
9 because it failed to comply with the requirements of Federal Rule of  
10 Civil Procedure 23(a), which governs class-action lawsuits. The Court  
11 also concluded that Plaintiff could not assert RICO claims against  
12 governmental entities.

13 The Court provided Plaintiff with sixty (60) days to amend his  
14 Complaint. Plaintiff was instructed that if he amended his complaint,  
15 he was required to, *inter alia*, 1) omit his RICO claim against  
16 governmental entities; 2) include a short, plain statement indicating why  
17 he is entitled to legal relief; 3) provide specific facts in support of  
18 his claims that entitle him to the relief he seeks, in separate, numbered  
19 paragraphs (emphasis in original); and 4) for all Defendants named in the  
20 caption, identify which specific claims he brings against each Defendant  
21 and state how each Defendant is liable to him. Plaintiff failed to  
22 comply with these requirements. Accordingly, the Court dismisses  
23 Plaintiff's First Amended Complaint with prejudice for failure to state  
24 a claim upon which relief can be granted. **The Court certifies any appeal**  
25 **of this dismissal would not be taken in good faith.**

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Accordingly, **IT IS HEREBY ORDERED:**

1. The First Amended Complaint, **ECF No. 12**, is **DISMISSED WITH PREJUDICE**.

2. The Clerk's Office is directed to **ENTER JUDGMENT** in favor of Defendants.

3. All pending hearings, deadlines, and motions are **STRICKEN**.

4. This file shall be **CLOSED**.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and forward a copy to Plaintiff.

**DATED** this 22<sup>nd</sup> day of January 2013.

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S/ Edward F. Shea  
EDWARD F. SHEA  
Senior United States District Judge